



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Nafie et al.**

Attorney Docket No.: **TI-30633**

Serial No.: **09/737,070**

Examiner: **Vartanian, Harry**

Filed: **December 14, 2000**

Art Unit: **2634**

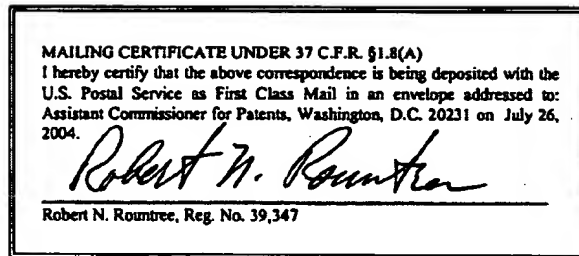
For: **BLOCK LEVEL SPACE TIME TRANSMIT DIVERSITY IN WIRELESS COMMUNICATION**

PETITION UNDER 37 C.F.R. § 1.78(a)(3)

July 26, 2004

Honorable Commissioner of
Patents and Trademarks

Washington, D.C. 20231



1. U.S. Patent Application Ser. No. 09/737,070, filed 12/14/2000, has been amended to claim priority to copending nonprovisional U.S. Patent Application Ser. No. 09/224,401, filed 12/31/1998, under 35 U.S.C. 120.
2. The amendment to claim priority was made after the due date specified under 35 C.F.R. § 1.78(a)(2)(ii) of the later of four months after 12/14/2000 and sixteen months after 12/31/1998.
3. The amendment was necessitated by examiner's broad interpretation of claims in U.S. Patent Application Ser. No. 09/737,070 in an Office Action dated 3/4/2004.

09/03/2004 AKELLEY 00000001 200668 09737070

01 FC:1454 1330.00 DA

4. A copy of U.S. Patent Application Ser. No. 09/224,401 is included as specified by 37 C.F.R. § 1.78(a)(3)(i).

5. Please charge Deposit Account No. 20-0668 the necessary fee under 37 C.F.R. § 1.17(t) as specified by 37 C.F.R. § 1.78(a)(3)(ii).

6. The entire delay between the date the claim was due under paragraph 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional as required by 37 C.F.R. § 1.78(a)(3)(iii).

Respectfully submitted,



Robert N. Rountree
Attorney for Applicants
Reg. No. 39,347

Robert N. Rountree, LLC
70360 Highway 69
Cotopaxi, CO 81223
Phone/Fax: (719) 783-0990